

## REMARKS

The Applicants appreciate the Examiner's thorough examination of the Application and request reexamination and reconsideration of the Application in view of the following remarks.

Claims 1, 4, 6-11, 14, 15, 17, 18, and 20-22 stand rejected under 35 USC §102(e) as allegedly being anticipated by U.S. Patent No. 6,490,455 to Park *et al.*

The subject invention results from the realization that wireless communication devices such as mobile telephones can, without jamming (which is not authorized under FCC regulations), be effectively controlled in secure areas or any place where they are deemed an annoyance, but also not interfered with outside of a predefined area, by a control unit which tricks the wireless communication device into believing it has established a communication channel with the base station of a nearby mobile phone tower.

By measuring the absolute field strength of all received transmissions output by surrounding base stations and recording the information transmitted by the base stations, the control unit of the subject invention sets the power level of its transmitter to have an absolute field strength greater than the highest measured absolute field strength detected from a corresponding base station. When a mobile phone transmits an interface signal anticipating a response from the base station, the control unit provides that response and transmits a signal back to the mobile phone mimicking the signal which would have been transmitted by an actual base station. But, since the mobile phone believes the control unit is a base station, the control unit is able to control the mobile phone to prevent incoming or outgoing calls. This control of the mobile phone may be accomplished by instructing the mobile phone to lower its transmission power so that further transmissions from the mobile

phone do not reach any corresponding surrounding base stations.

Park *et al.* shows a method and apparatus for detecting, not controlling a mobile phone in an idle state. Signal-generating unit 300, Fig. 3, generates a pseudo base station signal for transmission to a mobile phone in a detection area. Detecting unit 400 detects a response signal from the mobile phone that it transmits in response to the pseudo base station signal. When detecting unit 400 detects the response signal from the mobile phone, an alarm is generated by alarm-generating unit 500, which Fig. 3 clearly shows as being external to the mobile phone. The “alarm” so generated does not consist of a wireless response to the mobile phone. The purpose of the alarm is to alert someone that a mobile phone is present. See Park *et al.*, Fig. 3 and column 9, lines 41-55. Park *et al.* does not disclose or suggest controlling the phone, as claimed by Applicants.

Moreover, Park *et al.* does not disclose or suggest preventing the use of the mobile phone. Generating an alarm does not prevent the use of a mobile phone. Park *et al.* detects a response from the phone, and generates an external alarm if a response is received. Thus, Park *et al.* does not teach, disclose or suggest transmitting information to a mobile phone to control the mobile phone to prevent use of the mobile phone proximate a receiver and a transmitter, as claimed by Applicants. Rather, once detecting unit 400 of Park *et al.* detects the response signal from a mobile phone, the Park *et al.* apparatus generates an external alarm and apparently discontinues broadcasting to the mobile phone. Lastly, Park *et al.* also does not teach, disclose or suggest recording the information transmitted by the base stations, also claimed by Applicants.

In the Office Action dated May 9, 2005, the Examiner incorrectly alleges in ¶5 on page 8 that “in Col. 9, lines 33-45, Park *et al.* discloses a method where a communication

channel is established to turn off the phone and thus prevent use of the wireless communication device proximate the receiver and transmitter.” Park *et al.*, however, does not teach, disclose or suggest establishing a communication channel to prevent use of the wireless communication device. The portion of Park *et al.* which the Examiner cites is reproduced below:

Returning to FIG. 9, in step s150, detecting unit 400 searches for and ultimately receives the location registration signal from the mobile phone via antenna 410. That is, the received signal from the antenna is applied to reverse demodulator 440 through the receiving filter 420 and down-converter 430. Reverse demodulator 440 despreads and demodulates the signal from down-converter 430 and then analyzes the modulated signal to determine if a location registration signal is present. When this signal is present, an alarm is generated by the alarm unit in step s160 to alert the person carrying the mobile phone or a supervisor that a mobile phone in Idle State is present and should be turned off. (Emphasis added.)

Park *et al.* merely describes generating an alarm, which is produced by external alarm generating unit 500, to alert someone that the mobile phone should be turned off. Nowhere in Park *et al.* is it disclosed that a base station receives an interface signal from a wireless communication device and then controls the wireless communication device by establishing a communication channel between it and the receiver and transmitter to prevent use of the wireless communication device proximate the receiver and transmitter, as claimed by Applicants.

Claim 1 of the subject invention recites “[a] method of intervening between a wireless communication device and a base station, the method comprising: employing a receiver to scan for transmissions from multiple surrounding base stations; measuring the absolute field strength of all received transmission and recording the information transmitted by the base stations; setting the transmission power level of a transmitter to have an absolute

field strength greater than the highest measured absolute field strength detected from a corresponding base station; receiving an interface signal from a wireless communication device; and transmitting to the wireless communication device the corresponding information to thereafter control the wireless communication device by establishing a communication channel between the wireless communication device and the receiver and transmitter instead of between the wireless communication device and a surrounding base station to prevent use of the wireless communication device proximate the receiver and transmitter.” (Emphasis added.)

As noted above, Park *et al.* does not teach, disclose or suggest receiving an interface signal from a wireless communication device and then transmitting information to a wireless communication device information to control it by establishing a communication channel between it and the receiver and transmitter rather than a surrounding base station to prevent use of the wireless communication device proximate the receiver and transmitter, as claimed by Applicants. Park also does not teach, disclose or suggest recording the information transmitted by the base stations, also claimed by Applicants.

Rather, Park *et al.* teaches detecting, not controlling, a mobile phone in an idle state and merely generating an alarm to inform the mobile phone user or a supervisor in a restricted area that the mobile phone is present. Independent claims 8, 11, 18 and 23 of the subject application each recite similar features that distinguish over Park *et al.*

As noted above, the subject invention can effectively control and prevent use of a mobile phone such as a cellular telephone in secure areas or any place where they are deemed an annoyance. The subject invention does not interfere with the mobile phone outside of a predefined area. The claimed control unit achieves this by tricking a wireless


communication device into believing it has established a communication channel with the base station of a nearby mobile phone tower.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection under 35 USC §102(e).

Claims 2, 12 and 19 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Park *et al.* in view of U.S. Patent No. 6,438,385 to Heinonen; claims 3 and 13 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Park *et al.* in view of U.S. Patent No. 6,128,507 to Takai; claims 5, 16, 23 and 25 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Park *et al.*; and claim 24 stands rejected under 35 USC §103(a) as allegedly being unpatentable over Park *et al.* in view of U.S. Patent No. 6,496,104 to Kline. Since each of the claims rejected under 35 USC §103(a) depends from either of independent claims 1, 8, 18 or 23, they are patentable for at least the reasons stated above and are further patentable because they include one or more additional features. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections under 35 USC §103(a).

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates collect in Waltham, Massachusetts, at (781) 890-5678.

Respectfully submitted,

  
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